

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1412 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

KESARKAN S KAMATIA

Versus

STATE OF GUJARAT

Appearance:

MR BP JOSHI for Petitioners

MR KT DAVE, AGP i/b M/S PATEL ADVOCATES for Respondent No. 1

RULE SERVED for Respondent No. 2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 04/08/2000

ORAL JUDGEMENT

Mr KT Dave, learned AGP, instructed by M/s Patel Advocates, states that in response to this Court's order dated 21.7.2000 Mr KC Goswami, Assistant Director, Animal Husbandry & Poultry Farm, Palanpur is present.

2. Mr KC Goswami, Assistant Director, Animal Husbandry & Poultry Farm, Palanpur states that both the petitioners i.e. Kesarkhan Sardarkhan Kamatia and

Jetunben Kesarkhan Kamatia are still working under resp. No. 2 and are being regularly paid salary in the time scale of Rs.2550-55-2660-60-3200 and that fixation of their pay as on 1.1.1996 was done as per the orders dated 19.12.1999. It is further stated that earlier they were placed in the time scale upon completion of 10 years service i.e. with effect from 1.4.1989 in case of petitioner No. 1 and w.e.f. 1.4.1992 in case of petitioner No. 2 as per the order dated 26.4.1994. Copies of the aforesaid orders are produced on the record of this petition. It is further stated that the services being rendered by the petitioners in the time scale of pay are being considered as pensionable.

3. In view of the above statements, it appears that the grievance of the petitioners has been substantially redressed. In case the petitioners want any further relief for counting their services prior to the date of their being placed in the regular time scale for pensionable service, it will be open to the petitioners make a representation to the respondent authorities and as and when such representation is made, the same shall be decided by the authorities in accordance with law.

4. The petition is accordingly disposed of after recording the aforesaid statements made by the Assistant Director of Animal Husbandry & Poultry Farm, Palanpur and subject to the liberty to the petitioners in the aforesaid terms.

Rule is discharged with no order as to costs.

August 4, 2000 (M.S. Shah, J.)
sundar/-